

**AGREEMENT  
BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND  
THE STATE OF NEBRASKA, DEPARTMENT OF ROADS  
FOR THE DESIGN AND CONSTRUCTION  
OF THE SOUTH LINCOLN BELTWAY  
PROJECT NO. DPU-3300(3)**

WHEREAS, the City of Lincoln hereinafter called the "City" and the County of Lancaster hereafter called the "County" and the State of Nebraska, Department of Roads hereafter called the "State" desire to build a new beltway south of the City of Lincoln in Lancaster County hereinafter referred to as the "South Beltway" or "South Beltway Project" to facilitate traffic movement, and,

WHEREAS, the City, County and the State have participated in a study to locate the South Beltway corridor, and

WHEREAS, ownership and a method of funding the South Beltway Project need to be addressed as the study nears completion.

NOW THEREFORE, the City, County and State agree to the following:

- SECTION 1.** The City and State agree to jointly pursue and obtain "special project funds" [Federal Funds from the Highway Trust Fund prior to the Trust Fund's distribution to the States through the normal allocation formula] for 80 percent of the cost of obtaining the right of way, designing, and constructing the South Beltway Project.
- SECTION 2.** The City will provide the remaining 20 percent match of the cost of obtaining the right of way, designing, and constructing of the South Beltway.
- SECTION 3.** The State agrees to oversee the design, acquisition of the right of way, and the construction of the South Beltway Project, either in-house or through a State contract with the private sector.
- SECTION 4.** The City and State agree that the special project money currently allocated to this project through TEA-21 will be used for the design of the South Beltway, acquisition of the right of way, and the construction of the South Beltway Project with the City providing the 20 percent of all project costs associated with the South Beltway Project.

**SECTION 5.** Upon completion of the South Beltway:

- a. The State agrees to add the South Beltway to the highway system as Nebraska Highway 2 (N-2), as shown on Exhibit "A", attached hereto and hereby made a part of this agreement.
- b. The County agrees to accept the relinquishment of existing N-2 from the east junction of the South Beltway and N-2 to the east corporate limits of Lincoln and from the west corporate limits of Lincoln to the current junction of N-2 and US-77. See Exhibit "A".
- c. The City agrees to accept the relinquishment of existing N-2 from the east corporate limits to the west corporate limits of Lincoln. See Exhibit "A".
- d. The City agrees to accept relinquishment of L-55W from the junction of L-55W with existing N-2 to the west city limits on L-55W. See Exhibit "A".
- e. The County agrees to accept the relinquishment of L-55W from the west corporate limits of Lincoln and L-55W to the junction of L-55W and US-77. See Exhibit "A".
- f. The State will assure that the surfacing and bridges meet the State's Relinquishment Policy (See Exhibit "B") for condition at the time of the transfer of the relinquished sections of N-2 and L-55W described in Sections 5.b.,c.,d. and 5.e.

**SECTION 6.** The City, County and State acknowledge that with the construction and completion of the South Beltway it is prudent to upgrade the West Beltway (US-77) from an expressway to freeway classification, from the junction of the South Beltway and US-77 to the junction of Van Dorn Street and US-77. The City, County and State agree that the expense of upgrading the West Beltway will be included in the special project funds requested in Section 1.

**SECTION 7.** The City and County will not be required to share in the cost of acquiring the right of way, designing and constructing an interchange at US-77 and Warlick Boulevard.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

CITY OF LINCOLN

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

EXECUTED by the County this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

LANCASTER COUNTY

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Chairperson, County Board

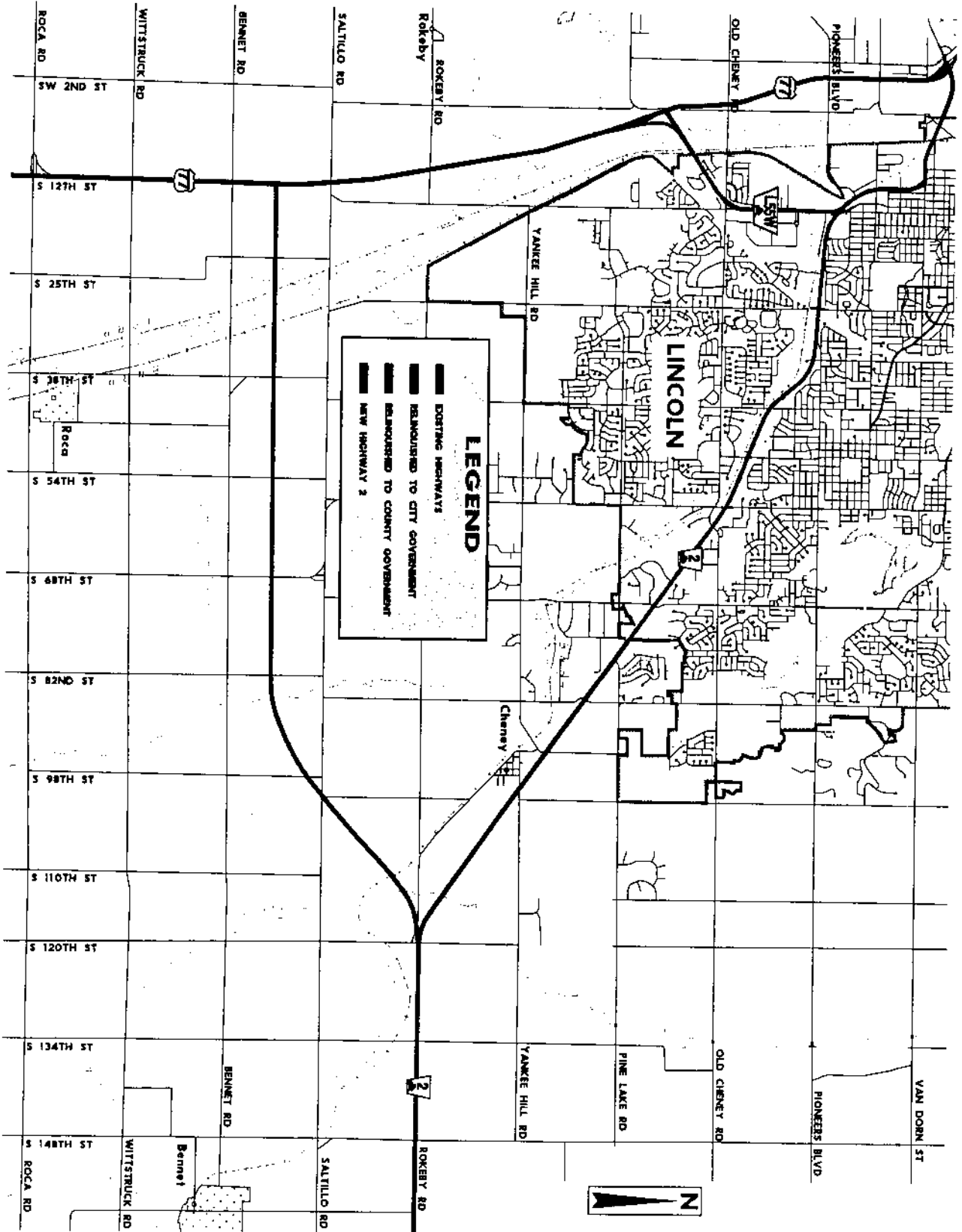
EXECUTED by the State this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS

\_\_\_\_\_  
Director

AGR34-HB

**LINCOLN**  
LANCASTER COUNTY  
NEBRASKA



DPU-3300(3)

C.N. 12578

**EXHIBIT "A"**

## RELINQUISHMENT OF ROADS FROM THE HIGHWAY SYSTEM

1. **Purpose:** To provide policy for the relinquishment of roads, by preparation, distribution, and disposition of relinquishment agreements between the Nebraska Department of Roads and an outside party. The office of primary responsibility for this DOR-OI is the Transportation Planning Division. This DOR-OI supersedes DOR-OI 60-13 dated December 6, 1999.

2. **General:**

When a segment of highway is relocated, the functional classification of the old highway will be changed. The Department will offer to relinquish to the political or governmental subdivision(s) or public corporation(s), any portion of the old state highway that has been relocated. If an offer to relinquish a highway segment is not accepted by the local jurisdiction(s), the State may abandon it as provided by law (See Section 8 "Abandonment of Roadway"). The Department will relinquish the highway to the local agency after following the approved policy for relinquishment of highways.

Before relinquishment, the Department may improve the surface of existing highways if the roadway has a Nebraska Serviceability Index (NSI) or Present Serviceability Index (PSI) less than or equal to:

	NSI	PSI
Bituminous Pavements	70	2.5
Composite (overlay) Pavements	60	2.5
Portland Cement Concrete Pavements	50	2.5

Other than surface rehabilitation, improvements to the roadway will not be made. At the time of relinquishment, the Nebraska Department of Roads (NDOR) will assess the adequacy of structures and determine if any reparation or corrective action is required. It is the intent of the State to relinquish only those structures which are structurally and functionally adequate for the purpose for which they will be used.

The relinquishment or abandonment of a highway segment must be recommended by the Department of Roads and the Highway Commission and approved by the Governor. This action should take place at the location approval stage.

In any relinquishment or closure proceeding where the Department of Roads owns fee simple title to the underlying land, ownership should be reserved by the Department of Roads. However, the land may be sold according to Nebraska Statute Sec. 39-1325. If sold, the contract must guarantee that utility companies have a perpetual right to utilize the former state right of way.

Whenever a public hearing for a highway project is held, the Department of Roads' presentation will include a statement explaining the proposed changes in the highway system and the proposed segments of the existing highway to be relinquished to local jurisdiction.

A highway may be automatically relinquished by the state when its functional classification changes. However, it is preferable to acquire a signed relinquishment agreement with the County or City prior to highway removal or location approval.

### **3. Procedure for Completing Agreements:**

Transportation Planning is the activity manager for relinquishment activities in the Project Scheduling System (PSS), and will initiate all agreements pertaining to relinquishments and changes in classification and jurisdictional responsibility. The development of the agreement will be according to the time frame defined in the PSS.

Transportation Planning will coordinate this effort with Roadway Design, Project Development, Right of Way, Traffic Engineering and the District Engineer. Throughout this entire process, the PSS will be updated by the Transportation Planning Activity Manager to reflect the progress of the relinquishment activity for each applicable project.

Transportation Planning will attend dry-run hearings to review projects with relinquishments.

### **4. Covenant Agreement Process:**

#### **A Expressway Projects**

Alignment concepts are studied by Project Development. Example projects include expressway studies, new railroad viaduct construction, major river crossings or city bypass routes.

- (1.) During the course of such studies, Project Development will discuss the possibility of relinquishment with the governmental entity affected. Whenever possible, a commitment in the form of a resolution or letter of intent to accept the relinquishment will be obtained from each governmental entity involved.
  - a. When potential changes in the National and/or State Functional Classification of roadways is an issue, Transportation Planning staff will be a part of the discussion with Local entities.
- (2.) Once an alignment is selected as the preferred route, a location hearing is normally conducted. Relinquishment information is provided in the engineering presentation and public comment is received.

- (3.) Project Development will notify Transportation Planning when a relinquishment agreement is needed. Project Development will advise Transportation Planning of any special or specific information necessary to accurately define any previously agreed upon circumstances.
- (4.) A covenant agreement covering the proposed relinquishments is prepared by Transportation Planning. The draft review process will include Project Development, Roadway Design, Transportation Planning and the respective District Engineer.
- (5.) If a petition or resolution has not been received from the local jurisdiction, then the relinquishment agreement will contain a paragraph stating that by signing the agreement, the governmental entity is petitioning the State to relinquish said State Highway, according to Nebraska Statute Section 30-1314.
- (6.) Transportation Planning will be advised of any subsequent revision(s) or supplementals to the relinquishment(s), by the initiating division, and will prepare the necessary Supplemental Document(s).
- (7.) Transportation Planning will send the agreement(s) to the appropriate District Engineer to obtain the local signatures and certification.

**B. Non-Expressway Projects**

- (1.) The Design Division will notify the Transportation Planning Division when a Relinquishment agreement is needed.
- (2.) Whenever possible, a commitment, in the form of a resolution or letter of intent to accept the relinquishment, will be obtained from each governmental entity involved.
- (3.) If the PSS calls for action, Transportation Planning will notify Design that project details are needed to start the relinquishment process.
- (4.) A covenant agreement covering the proposed relinquishments is prepared by Transportation Planning. The draft review process will include Project Development, Roadway Design, Transportation Planning and the respective District Engineer.
- (5.) Transportation Planning will be advised of any subsequent revision(s) or supplementals to the relinquishment(s), by the initiating division and will prepare the necessary Supplemental Document(s).
- (6.) Transportation Planning will send the agreement(s) to the appropriate District Engineer to obtain the local signatures and certification.

**C. Expressway and Non-Expressway Projects**

- (1.) The District Engineer will receive agreement(s) from Transportation Planning and will obtain signatures from representatives of local jurisdiction(s).
- (2.) The District Engineer will return signed agreements to Transportation Planning.
- (3.) The Agreement Monitoring System will be initiated and updated by Transportation Planning.
- (4.) Project Development will file one completely executed agreement and return the others to Transportation Planning for final distribution.
- (5.) Transportation Planning will send executed document(s) to the District Engineer along with a copy for the District's file.
- (6.) The District Engineer will return the fully executed agreement(s) to the local jurisdiction(s).
- (7.) Transportation Planning will be advised of any subsequent revision(s) or supplementals to the relinquishment(s), by the initiating division, and will prepare the necessary Supplemental Document(s).

**5. Final/Supplemental Agreement Process:**

- A. For all projects, if a covenant agreement exists, the Transportation Planning Division will furnish a copy of the agreement to the Roadway Design Division for review and definition of reference points describing final areas of relinquishment. The Roadway Design Division will furnish the required geometric details to the Transportation Planning Division for incorporation into the agreement.
- B. Transportation Planning will review all information with the applicable Division(s) to finalize the agreement.
- C. If not previously stated in the covenant agreement, and no petition of relinquishment exists, the agreement will contain a paragraph stating that by signing the agreement, the County or City is petitioning the State to relinquish said State Highway, according to Nebraska Statute Section 39-1314.
- D. A draft agreement will be sent to the: Assistant Transportation Planning Engineer; Classification, Needs and Pavement Management Engineer; Project Development Division; Design Division and the respective District Engineer for review. If significant changes or additions are made during this review process, another review may be necessary.
- E. Appropriate changes will be made only with consensus, and will be accomplished by Transportation Planning Activity Manager.



- F. After final review, agreements will be provided to the District Engineer by Transportation Planning.
- G. The District Engineer will obtain signatures from representatives of local jurisdiction(s).
- H. The District Engineer will return signed agreements to Transportation Planning.
- I. The Agreement Monitoring System will be initiated and updated by Transportation Planning.
- J. Project Development will file one completely executed agreement and return the others to Transportation Planning for final distribution.
- K. Transportation Planning will send executed document(s) to the District Engineer along with a copy for the District's file.
- L. The District Engineer will return the fully executed agreement(s) to the local jurisdiction(s).
- M. Transportation Planning will be advised of any subsequent revision(s) to the relinquishment(s), and prepare the necessary Supplemental Document(s).

**6. Internal Distribution:**

After the agreements are signed, the following distribution will be made by the Transportation Planning Division within the Department:

- (1.) Roadway Design
- (2.) Traffic Engineering
- (3.) Right of Way
- (4.) Controller
- (5.) District Engineer
- (6.) Maintenance
- (7.) Transportation Planning:
  - Mapping Section, Statistical Unit, and Classification and Needs Unit
- (8.) Highway Safety

**7. Document Recording and Final Disposition:**

When the Right of Way Division receives notice of the executed agreement, they will file all necessary legal documents, for the relinquishment, at the appropriate County Office and notify the District Engineer and Transportation Planning when the relinquishment was recorded.

The District Engineer shall notify the appropriate local officials, in writing, with copies to Transportation Planning, Director, all Deputy Directors, the appropriate Highway Commissioner, and all appropriate Division Heads, of the effective date of change of jurisdictional responsibility.

Transportation Planning will make final submittal to the Federal Highway Administration, perform all the necessary documentary changes in functional classifications, and update the official state highway and local road/street maps.

If necessary the Traffic Engineer will issue a highway route revision informing all concerned officials of the new highway location, number, and identify the old highway.

**8. Abandonment of Roadway:**

Projects should not progress to the design hearing stage without a signed agreement covering all relinquishments of highways affected by the project.

If the local government refuses to accept the relinquishment, the Department of Roads will delay the project until an agreement with the local jurisdictions can be reached. If an agreement is not obtainable, the Department may abandon the segment as a public road, as provided by Section 39-1314 of State Statute, so the project may continue.

Jack Pittman  
Deputy Director